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**Date:** January 29, 2009

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<b>Re:</b>	Serial No: 10/719418	<b>Pages:</b>	Cover + 7

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Henry Brendzel

## TRANSMITTAL FORM

(to be used for all correspondence after initial filing)

Complete if Known	
Application Number	10/719418
Filing Date	11/24/2003
First Named Inventor	Wesley A. Brush
Examiner Name	Thujuan Knowlin Addy
Group/Art Unit	2642
Total number of pages in this Submission: this page, plus	6 Attorney Docket ID
	Brush 113579con

If Fee Form is not included, but a fee is due, the Commissioner is Authorized to charge Deposit Account of Henry T. Brendzel No 500732 of, and consider that appropriate requests that give rise to the fees (such as for an extension of time) have been made.

## ENCLOSURES (check all that apply)

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<input checked="" type="checkbox"/> Amendment/Response <input checked="" type="checkbox"/> After Final	<input type="checkbox"/> Assignment Papers (for an Application)	<input type="checkbox"/> Small Entity Statement
<input type="checkbox"/> Affidavit(s)/Declaration(s)	<input type="checkbox"/> Drawing(s)	<input type="checkbox"/> Request for a Refund
<input type="checkbox"/> Extension of Time Request	<input type="checkbox"/> Licensing-related Papers	<input type="checkbox"/> After Allowance Communication to group
<input type="checkbox"/> Information Disclosure Statement	<input type="checkbox"/> Petition	<input type="checkbox"/> Appeal Communication to Board of Appeals and Interferences
<input type="checkbox"/> Certified Copy of Priority document(s)	<input type="checkbox"/> To Convert a Provisional Application	<input type="checkbox"/> Appeal Communications to Group (Appeal Notice, Brief, Reply Brief)
<input type="checkbox"/> Response to Missing Parts/ Incomplete Application <input type="checkbox"/> Response to Missing Parts under 37 CFR 1.2 or 1.53	<input type="checkbox"/> Power of Attorney, Revocation or Change of Correspondence Address	<input type="checkbox"/> Proprietary Information
	<input type="checkbox"/> Express Abandonment	<input type="checkbox"/> Status Letter
	<input type="checkbox"/> Terminal Disclaimer	<input type="checkbox"/> Other
	<input type="checkbox"/> To Convert to Statutory Invention Registration	

## SIGNATURE OF APPLICANT, ATTORNEY, OR AGENT

Firm or Individual Name

Henry T. Brendzel

Signature

Date

1/29/09

## CERTIFICATE OF MAILING/FACSIMILE TRANSMISSION

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IN THE UNITED STATES  
PATENT AND TRADEMARK OFFICE

**Patent Application**

Inventor(s)	Wesley A. Brush James M. Carnazza Romel Khan	Serial No.	10/719418
Case Name	Brush 113579con	Filing Date	11/24/2003
Title	System and Method for Using an Intelligent Peripheral to Supply Telephone Service		
	Examiner	Thjuan K. Addy	
	Art Unit	2614	

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P.O. Box 1450  
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SIR:

**AMENDMENT AFTER FINAL - REMARKS**

A telephone conversation was held with the Examiner on January 28, 2009. Though the Examiner was courteous, it was not fruitful. The undersigned extended an offer to narrow an independent claim by adding a word and to, thereby, place the case more clearly in condition for allowance. The Examiner declined. This is too bad because declining to entertain a discussion about a change that would place the case in condition for allowance misses a opportunity to advance prosecution with minimum expenditure of time and effort on both sides.

Claims 1-15 were rejected under 35 USC 102 as being anticipated by Sattar et al, US Patent 5,572,581. Applicants respectfully traverse.

This rejection was addressed by applicants in the previous Office Action, and the Examiner kindly addressed it in the "Response to Arguments" segment of the Office Action.

Applicant's position is that the phrase "which message specifies a communication protocol parameter" in clause (a) of claim 1 means that the message specifies a parameter that pertains to a communication protocol, which means that the parameter specifies the communication protocol.

The Examiner's position is that